



Policy: FERPA and Student Education Records

Effective: June 1, 2019

Policy Type: Regulatory

Responsible Department: Registrar

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**Policy:** The institution maintains the privacy of student education records in its possession with the exception of those situations in which the law or consent of the student permits disclosure according to FERPA legislation.

For the purposes of this policy, Grace College has used the following definitions of terms.

- 1.0 *FERPA:* The *Family Educational Rights and Privacy Act* of 1974 helps protect the privacy of student education records. The *Act* provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The *Act* applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.
- 2.0 *Eligible Student:* any person 18 years of age or who has enrolled in courses at Grace College and Seminary. This includes registered auditors, distance education, prison, CEU, and unclassified students.
- 3.0 *Parent:* a parent of a student and includes a biological parent, guardian, or individual acting as a parent in the absence of a parent or guardian.
- 4.0 Personally Identifiable Information: this term includes the following:
  - 4.1 The student's name
  - 4.2 The name of the student's parent or other family members
  - 4.3 The address of the student or student's family
  - 4.4 A personal identifier, such as the student's social security number, student number, or biometric record
  - 4.5 Other indirect identifiers, such as the student's date of birth, place of birth, relationship to another student, and mother's maiden name
  - 4.6 Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  - 4.7 Information requested by a person who the institution reasonably believes knows the identity of the student to whom the education record relates
- 5.0 *Education records:* any record pertaining to a student in handwriting, print, tapes, film, electronic or other medium that is maintained by Grace College and Seminary or an agent of the schools. To apply FERPA to a record, it must be identified as an education record according to FERPA. Educational records subject to FERPA are those that are:
  - 5.1 Maintained by the institution or by a party acting for the institution;
  - 5.2 Personally identifiable to a student (Directly related to a student and from which a student can be identified); or
  - 5.3 Not one of the excluded categories of records, which include the following:
    - 5.3.1 Private records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof, used only as a personal memory aid, and are not accessible or revealed to any other individual.



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- 5.3.2 Records created and maintained by Grace College the institution's campus safety office security for law enforcement purposes.
  - 5.3.3 An employment record of an individual, whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment. Records relating to an individual in attendance at the institution who is employed as a result of his/her status as a student *are* education records and not excepted under this paragraph.
  - 5.3.4 Records on a student who is 18 years of age or older, or is attending the institution that are:
    - 5.3.4.1 Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; , if the records are used only for the treatment of a student and made available only to those persons providing the treatment.
    - 5.3.4.2 Made, maintained, or used only for the treatment of a student; and
    - 5.3.4.3 Made available only to those persons providing the treatment
  - 5.3.5 Alumni records which that contain information about a student after he or she is no longer enrolled at the institution and which that do not relate to the person as a student.
- 5.4 The institution includes in the educational record appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that students, other students, or other members of the institution.
- 6.0 *School Official:* Those members of the institution who act in the student's educational interest within the limitations of their "need to know" role. These may include faculty, administration, clerical and professional employees and other persons who manage student education record information including student employees or agents.

A contractor or other party to whom the institution has outsourced institutional services or functions, provides a service the institution would otherwise use employees for, is under the direct control of the institution with respect to use and maintenance of education records, and is subject to the requirements governing the use and re-disclosure of personally identifiable information, is considered a school official.
- 7.0 *Directory Information:* Institutions may disclose information about a student without violating FERPA if it has designated that information as "directory information." At Grace College and Seminary, directory information includes a student's:
  - 7.1 Name
  - 7.2 Address
  - 7.3 Telephone number
  - 7.4 Major field of study
  - 7.5 Dates of attendance
  - 7.6 Current enrollment status (full-time/part-time)
  - 7.7 Class standing (or class level – freshman, sophomore, etc.)



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7.8 Receipt or non-receipt of a degree

7.9 Academic awards received (dean's list, honor roll)

Directory information *cannot* include race, gender, SSN, grades, GPA, country of citizenship, or religion.

8.0 *The Solomon Amendment* is a federal law that allows military recruiters to access some information on students age 17 or older. The Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA. Unless students have requested that their directory information be withheld or restricted, then in addition to their directory information, which Grace does not designate as directory information, will be provided to military recruiters:

8.1 Age and date of birth

8.2 Place of birth

8.3 Degree received

8.4 Most recent educational institution attended

The request is to be submitted in writing on letterhead (a) clearly identifying the unit of service requesting the student recruitment information, (b) listing what recruitment information is being requested, and (c) specifying the semester for which it is being requested (i.e., current or previous).

This information may be requested by a recruiter within the five branches of the service (Army, Navy, Air Force, Marines, Coast Guard including reserves and guard) no more than once per semester.

Veteran status, academic performance, ethnicity, nationality, and gender are specifically excluded under Solomon.

9.0 A student's basic rights under FERPA include the right to:

9.1 Be notified of their FERPA rights at least annually. At Grace College and Seminary, students are notified of their FERPA rights annually by publication in the catalog. Students may refuse disclosure of directory information.

9.2 Inspect and review their records.

9.3 Amend a record that is incorrect, misleading, or otherwise in violation of the student's privacy rights.

9.4 Consent to disclosure personally identifiable information (with exceptions).

9.5 File a complaint with the Department of Education concerning alleged failures of the institution to comply with the requirements of FERPA and this part.

10.0 Individuals who may have access to student information include:

10.1 The student and any outside party who has the student's written request.

10.2 School officials (as defined above) who have "legitimate educational interests."

10.3 A person in response to a lawfully issued subpoena or court order, as long as the institution makes a reasonable attempt to notify the student first. Normally, the institution will comply with a subpoena after two weeks have elapsed from the day the subpoena was received.



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10.4 A parent's rights under FERPA

10.4.1 Full rights under FERPA unless the institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

Parents of a dependent student are defined by the Internal Revenue Code.

10.4.2 When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student.

10.4.3 Parents may obtain directory information at the discretion of the institution.

10.4.4 Parents may obtain non-directory information (grades, GPA, etc.) only at the discretion of the institution and after it has been determined that their child is legally their dependent.

10.4.5 Parents may also obtain non-directory information by obtaining a signed consent from their child.

11.0 FERPA and Social Media

11.1 When students are assigned to post information to public social media platforms outside of the institution's LMS, they should be informed that their material may be viewed by others.

11.2 Students should not be required to release personal information on a public site.

11.3 Instructor comments or grades on student material should not be made public.

11.4 While not clearly required by law, students under the age of 18 should get their parent's consent to post public work.

12.0 Inspection of Records

The designated custodian of any education record may require that the records not leave his or her immediate custody. Those desiring to inspect and review education records are required to do so at the time and place designated by the custodian of those records.

12.1 Students may inspect and review their education records upon request to the appropriate custodian in the appropriate office.

12.1.1 Students should submit to the record custodian or an appropriate school staff person a written request that identifies as precisely as possible the record or records he or she wishes to inspect.

12.1.2 The record custodian or an appropriate school staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

12.1.3 When a record contains information about more than one student, the student may inspect and review only the records that relate to him/her. If possible, the institution will redact records that contain personally identifiable information about other students.



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- 12.1.4 Students have the right to inspect and review their academic records and to challenge any content that they believe to be inaccurate or misleading.
  - 12.1.5 If circumstances effectively prevent the eligible student or parent from exercising the right to inspect and review the student's education records on-site, the institution will make other arrangements to inspect and review the requested records. This may include, but is not limited to, a secure file transfer with deadlines for viewing or copies of the requested records.
  - 12.1.6 The institution is not required to give an eligible student access to treatment records as defined previously, but the student may have those records reviewed by a physician or other appropriate professional of the student's choice.
  - 12.1.7 The institution typically does not provide inspection and review rights to a student regarding the financial records of his/her parents, confidential letters and statements of recommendation if the student waived his or her right to inspect and review those.
- 12.2 *School officials* or the other designated parties as listed below, may inspect and review education records upon request to the appropriate custodian in the appropriate office provided that they have a legitimate educational interest. Legitimate educational interest would include the following:
  - 12.2.1 Performing a task that is specified in his or her position description or by a contract agreement.
  - 12.2.2 Performing a task related to a student's education.
  - 12.2.3 Performing a task related to the discipline of a student.
  - 12.2.4 Providing a service or benefit relating to the student or student's family such as health care, counseling, job placement, or financial aid.
  - 12.2.5 School officials and other designated parties may inspect and review only records that pertain to the individual student and to the specific legitimate educational interest that they are performing.
- 13.0 Disclosure without Consent
  - 13.1 Institutions may, without written consent, release information identified by the institution as public, or directory information, provided the following conditions are met prior to disclosure:
    - 13.1.1 The institution informs students of categories designated as directory information.
    - 13.1.2 The student is given opportunity to refuse disclosure of any or all categories of directory information.
    - 13.1.3 Students are given reasonable time in which to state such refusals in writing.
  - 13.2 Release of public or directory information by telephone is permissible; however, information released in this manner should be restricted to categories specified in written institutional policy and students should be given reasonable opportunity to refuse disclosure of such information. Directory information may include the following categories:
    - 13.2.1 Category I: Name, address, telephone number, dates of attendance, class



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- 13.2.2 Category II: Previous institution(s) attended, major field(s) of study, awards, and honors (includes Dean's List), degree(s) conferred (including dates and any graduation honors)
- 13.2.3 Category III: Past and present participation in officially recognized sports and activities, physical factors (height, weight of athletes), date and place of birth
- 13.3 A student's prior consent is not required when the disclosure is:
  - 13.3.1 to school officials (defined previously in this policy) who have a legitimate educational interest
  - 13.3.2 to officials of another institution where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is related to the student's enrollment or transfer.
  - 13.3.3 to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs in connection with financial aid, which that includes Veterans' benefits
  - 13.3.4 in connection with financial aid for which the student has applied or received, if the information is needed to determine the eligibility for, amount of, conditions for, or terms of aid
  - 13.3.5 to organizations conducting studies for or on behalf of educational institutions
  - 13.3.6 to accrediting organizations
  - 13.3.7 to parents of a dependent student as defined in section 142 of the Internal Revenue Code of 1986
  - 13.3.8 to comply with a judicial order or subpoena
  - 13.3.9 in a health or safety emergency if necessary to protect the student or other individuals
  - 13.3.10 releasing directory information
  - 13.3.11 releasing the results of a disciplinary hearing to an alleged victim of a crime of violence in connection with a determination that the student has violated one of the institution's violence or sexual misconduct rules or policies, but no to include the personally identifiable information of any other student without the prior written consent of that student
  - 13.3.12 to a parent of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution governing the use or possession of alcohol or a controlled substance if the institution determines the student has committed a disciplinary violation with respect to the use or possession and the student is under the age of 21 at the time of disclosure to the parent.
  - 13.3.13 Concerns sex offenders and other individuals required to register under section 170101 of the violent Crime Control and law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational institution under 42 U.S.C. 14071 and applicable Federal guidelines.
- 14.0 Non-consensual Disclosure and Discipline Related to Crimes of Violence and Non-forcible Sex Offenses
  - 14.1 The offenses or attempts to commit the offenses detailed in the FERPA regulations are included in this definition (Appendix A to Part 99 – Crimes of Violence Definitions)



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- 14.1.1 Arson
- 14.1.2 Assault Offenses
- 14.1.3 Burglary
- 14.1.4 Criminal homicide-manslaughter by negligence
- 14.1.5 Criminal homicide-murder and non-negligent manslaughter
- 14.1.6 Destruction/damage/vandalism of property
- 14.1.7 Kidnapping/abduction
- 14.2 The non-consensual disclosure of the final results of disciplinary matters within the institution include only the name of the student, the violation committed, and the sanction imposed by the institution on the student.
  - 14.2.1 "Sanction" means action taken by the institution, date of disposition, and duration.
  - 14.2.2 "Violation committed" means the institution policy or code sections violated and essential findings supporting the conclusion that the policy was violated.
- 15.0 Charges Related to Education Records
  - 15.1 Grace College and Theological Seminary may recover the additional expense incurred in sending, receiving, copying, redacting, or verifying the authenticity of documents by charging the student a fee for this additional service, including those provided to military recruiters.
- 16.0 Procedures for Students
  - 16.1 Students may refuse disclosure of directory information by completing the required **Request to Prevent Disclosure of Directory Information** form available in the Registrar's Office.
  - 16.2 This form must be received in the Registrar's Office by the end of the first week of the fall semester; it will be assumed that directory information may be disclosed for the remainder of the current academic year.
  - 16.3 Requests for non-disclosure will remain in effect until the student files the **Request for Revocation of Non-Disclosure of Directory Information** form with the Registrar's Office.
  - 16.4 A student can grant any individual access to their education records in two ways:
    - 16.4.1 Completion of the **FERPA Release** form included in the student's bill sent every summer.
    - 16.4.2 Submitting the **Permission to Release Education Record Information** form available in the Registrar's Office.
  - 16.5 If an eligible student or parent believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may submit a written request to the Registrar's Office to amend the record.
    - 16.5.1 The institution will decide whether to amend the record within a reasonable time after it receives the written request.



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16.5.2 If the institution decides not to amend the record as requested, it will inform the eligible student or parent of its decision and right to appeal in writing to the Provost's Office. The provost will review the request in consultation with other school officials and notify the student of the outcome. If the student remains dissatisfied with the outcome, then the student can re-submit the appeal in writing to the provost's council, whose decision will be final and sent in writing to the student.

16.5.3 If, following the appeal procedure, the institution decides that the information is not inaccurate, misleading, or a violation of the student's privacy rights, it will inform the student or parent of their right to place a statement in the record about the contested information or why they disagree with the decision of both.

16.5.4 A copy of the statement of contested information and appeal decision placed in the student's education record.

16.5.5 The institution will disclose the statement of contested information whenever it discloses the portion of the record to which the statement relates.

#### 17.0 Procedures for School Officials

17.1 School officials wishing to discuss a student's educational record with the student's parent or guardian must first verify the right of the individual to receive that information by contacting the Registrar's Office to receive authorization to release a student's education record.

#### Revision Process and History

- All revisions to the policy must be approved Registrar.

Date	Description of Revision
05-14-2019	Transferred policy to new policy template